

# **EXHIBIT B**

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Attorneys for Plaintiff AppZero Software Corp.

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF NEW YORK



JUDGE SCHEINDLIN

APPZERO SOFTWARE CORP.,  
Plaintiff,  
v.  
APPFIRST, INC.,  
Defendant.

11 CIV 9009  
Civil Action No.

**COMPLAINT**

Plaintiff AppZero Software Corp., for its Complaint against defendant AppFirst, Inc.,  
states as follows:

**PARTIES**

1. Plaintiff AppZero Software Corp. ("AppZero") is a corporation organized and existing under the laws of Canada, with a principal place of business in Ottawa, Ontario, Canada.
2. Upon information and belief, defendant AppFirst, Inc. ("AppFirst") is a corporation organized and existing under the laws of Delaware, with a principal place of business in New York, New York.

**JURISDICTION AND VENUE**

3. This court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§1331 and 1338.

4. Venue is proper in this court pursuant to 28 U.S.C. §1391(b).

### **FACTS**

5. AppZero owns and sells the application virtualization software programs AppZero 3.5.0 and AppZero 4.0 (collectively the “Software”).
6. AppZero owns federal copyright registrations for the Software, copies of which are attached as Exhibits A and B.
7. Upon information and belief, AppFirst was founded in or about April 2009 by Donn Rochette and David Roth. Upon information and belief, AppFirst provides software for application problem resolution.
8. Prior to founding AppFirst, Rochette and Roth were employed by Trigence, Inc. (“Trigence”), a former owner of the Software.
9. As employees of Trigence, Rochette and Roth had access to the Software, including its source code.
10. Upon information and belief, AppFirst has copied, distributed and/or made derivative works from the Software without authorization by any owner of the Software, and is continuing to do so.
11. AppZero has suffered and continues to suffer harm as a result of AppFirst’s unauthorized use of the Software, including harm that cannot be adequately redressed by money damages.

### **COUNT I**

#### **(Copyright Infringement - 17 U.S.C. §501)**

12. AppZero repeats and realleges paragraphs 1 through 11 as if fully set forth herein.
13. AppFirst has violated 17 U.S.C. §501 by copying, distributing and/or making derivative works from the Software without authorization.

**PRAYER FOR RELIEF**

WHEREFORE, plaintiff AppZero Software Corp. requests judgment as follows:

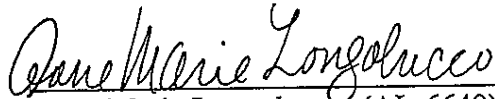
1. Granting AppZero a preliminary and permanent injunction pursuant to 17 U.S.C. §502;
2. Awarding AppZero its actual damages and AppFirst's additional profits in an amount to be proven at trial, pursuant to 17 U.S.C. §505;
3. Ordering an equitable accounting of AppFirst's profits from its unlawful conduct; and
4. Granting such other and further relief as this court deems just and proper.

**JURY DEMAND**

Plaintiff AppZero Software Corp. demands a trial by jury of all issues so triable.

Dated: December 9, 2011

Respectfully submitted,



Anne Marie Longobucco (AL-6649)  
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Attorneys for Plaintiff AppZero Software Corp.

## **EXHIBIT A**



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

*Maria A. Pallante*

Register of Copyrights, United States of America

Registration Number  
**TX 7-448-922**

Effective date of  
registration:

November 21, 2011

## Title

Title of Work: AppZero 3.5.0

Previous or Alternative Title: Trigence AE

## Completion/Publication

Year of Completion: 2005

Date of 1st Publication: July 6, 2005

Nation of 1st Publication: United States

## Author

■ Author: Trigence, Inc., a/k/a AppZero, Inc.

Author Created: Computer program

Work made for hire: Yes

Citizen of: United States

Anonymous: No

Pseudonymous: No

■ Author: Trigence Corp., a/k/a AppZero, Corp.

Author Created: Computer program

Work made for hire: Yes

Citizen of: Canada

Anonymous: No

Pseudonymous: No

## Copyright claimant

Copyright Claimant: AppZero Software Corp.

750 Palladium Drive, Suite 210, Ottawa, Ontario K2V 1C7, Canada

Transfer Statement: Assignment

## Limitation of copyright claim

Previously registered: No

## Certification

**Registration #:** TX0007448922

**Service Request #:** 1-689662801



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Anne Marie Longobucco  
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## **EXHIBIT B**



# Certificate of Registration

Case 5:11-cv-04909-PCS Document 1914 Filed 12/09/12 Page 89 of 910



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

*Maria A. Pallante*

Register of Copyrights, United States of America

Registration Number  
**TX 7-448-932**

Effective date of  
registration:

November 21, 2011

## Title

Title of Work: AppZero 4.0

Previous or Alternative Title: Trigence AE

## Completion/Publication

Year of Completion: 2007

Date of 1st Publication: July 13, 2007

Nation of 1st Publication: United States

## Author

■ Author: Trigence, Inc., a/k/a AppZero, Inc.

Author Created: Computer program

Work made for hire: Yes

Citizen of: United States

Anonymous: No

Pseudonymous: No

■ Author: Trigence Corp., a/k/a AppZero Corp.

Author Created: Computer program

Work made for hire: Yes

Citizen of: Canada

Anonymous: No

Pseudonymous: No

## Copyright claimant

Copyright Claimant: AppZero Software Corp.

750 Palladium Drive, Suite 210, Ottawa, Ontario, K2V 1C7, Canada

Transfer Statement: Assignment

## Limitation of copyright claim

Previously registered: No

## Certification

Registration #: TX0007448932

Service Request #: 1-689662740



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